

1 ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
2 TIMOTHY E. RHODA, ESQ.
Nevada Bar No. 7878
3 ROGER P. CROTEAU & ASSOCIATES, LTD.
9120 West Post Road, Suite 100
4 Las Vegas, Nevada 89148
(702) 254-7775
5 (702) 228-7719 (facsimile)
croteaulaw@croteaulaw.com
6 *Attorney for Defendant*
THUNDER PROPERTIES, INC.
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

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13 U.S. BANK N.A., AS TRUSTEE, ON)
BEHALF OF THE HOLDERS OF THE J.P.)
14 MORGAN ALTERNATIVE LOAN TRUST)
2006-A3 MORTGAGE PASS-THROUGH)
15 CERTIFICATES,)
16 Plaintiff,)
17 vs.)
18 THUNDER PROPERTIES, INC., a Nevada)
corporation; RANCHO SAN RAFAEL)
19 TOWNHOMES, PHASE II HOMEOWNERS)
ASSOCIATION, a Nevada non-profit)
20 corporation,)
21 Defendants.)

Case No. 3:16-cv-00700-RCJ-VPC

22 **JOINT MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL**

23 COMES NOW, Defendant, THUNDER PROPERTIES, INC. (*“Thunder”*), and Plaintiff,
24 U.S. BANK N.A., AS TRUSTEE (*“US Bank”*), by and through their undersigned counsel, and
25 hereby jointly move this Court to extend the time to file a Notice of Appeal in this matter, stating
26 as follows:

- 27 1. On May 17, 2018, this Court entered an Order granting Plaintiff’s Motion for
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Summary Judgment. [ECF #54].

2. On August 15, 2018, prior to the time that a Final Judgment was entered, Thunder filed a Motion for Reconsideration. [ECF #55].
3. On November 21, 2018, after US Bank had requested and been granted a number of extensions of time in which to respond to the Motion for Reconsideration, this Court entered an Order denying a further extension and denying the Motion for Reconsideration. [ECF #67]. Said Order constituted a final judgment in this matter.
4. Since the entry of the final judgment, Thunder and US Bank have negotiated and agreed upon the terms of an amicable settlement of all claims at issue in this matter. The parties are presently preparing a Settlement Agreement memorializing these terms.
5. The current deadline to file a Notice of Appeal is December 21, 2018.
6. A Notice of Appeal should not be necessary as a result of the parties' settlement. However, Thunder does not desire to allow the appeal deadline to lapse without an executed Settlement Agreement.
7. Fed. R. App. P. 4 provides in pertinent part as follows:
 - (5) *Motion for Extension of Time.*
 - (A) The district court may extend the time to file a notice of appeal if:
 - (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and
 - (ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.
 - (B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.
 - (C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.
8. Pursuant to Fed. R. App. P. 4, Thunder and US Bank respectfully request that this Court enter an Order extending the deadline to file a Notice of Appeal herein until

(a) January 21, 2019 (because January 20, 2019 falls on a Sunday) or (b) until 14 days after an Order granting this Motion is entered, whichever is later.

9. This Motion is made in good faith and not for purpose of delay.

Dated this 14th day of December, 2018.

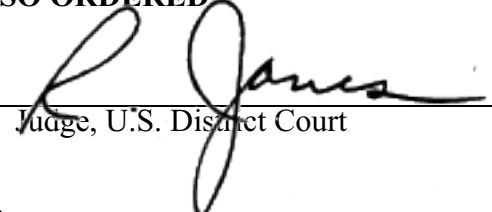
ROGER P. CROTEAU &
ASSOCIATES, LTD.

BALLARD SPAHR LLP

/s/ Timothy E. Rhoda
TIMOTHY E. RHODA, ESQ.
Nevada Bar No. 7878
9120 West Post Road, Suite 100
Las Vegas, Nevada 89148
(702) 254-7775
croteaulaw@croteaulaw.com
Attorney for Defendant
Thunder Properties, Inc.

/s/ Justin A. Shiroff
JUSTIN A SHIROFF, ESQ.
Nevada Bar No. 12869
100 N. City Parkway, Suite 1750
Las Vegas, NV 89106
702-471-7000
702-471-7070 (fax)
shiroffj@ballardspahr.com
Attorney for Plaintiff
U.S. Bank, N.A.

IT IS SO ORDERED

By: 
Judge, U.S. District Court

Dated: February 13, 2019